

SENATE BILL 298

By Ford J

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 4, Part 1, relative to state contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 12-4-121.

(a) On and after January 1, 2004, no state department, agency, authority or entity shall contract to acquire goods or services and no person may contract to supply goods or services to any state department, agency, authority or entity unless, prior to or contemporaneously with entering into the contract, the person completes and submits an affidavit verifying that the person has searched the records of the business enterprise or any predecessor of the business enterprise regarding documentation of any investments or profits derived from slavery or slaveholder insurance policies. The names of any slaves or slaveholders described in such records must be disclosed within the affidavit. The chief procurement officer of the state department, agency, authority or entity shall make the affidavits available to the public and shall file an annual summary

report to the speaker of the senate and to the speaker of the house of representatives. The contract shall be rendered voidable on behalf of the state department, agency, authority or entity if the person knowingly:

(1) Fails to timely complete and file the required affidavit; or

(2) Completes and files an affidavit containing untrue or misleading information.

(b) As used in this section, "person" includes any individual, firm, co-partnership, joint venture, association, corporation or other business enterprise however organized and structured.

(c) In accordance with the Uniform Administrative Procedure Act, the department of general services shall promulgate rules prescribing the style and format of the affidavit required by the provisions of this act.

SECTION 2. For purposes of rule promulgation, Section 1(c) of this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2004, and shall apply only to contracts entered into on or after such date.